

SUMMARY STATEMENT

Gordon v. Hedrick, Docket No. 42191

In an appeal from a decision of the Canyon County district court acting in its appellate capacity, the Supreme Court affirmed the decision of the district court. The district court had vacated the magistrate court's judgment dismissing Gordon's action seeking a child custody and parenting time order, changing the minor child's name, and ordering the Department of Health and Welfare to remove Gordon's name from the child's birth certificate. The Supreme Court determined that Idaho Code section 7-1106(2) provides that the exclusive grounds for judicial rescission of a Voluntary Acknowledgment of Paternity Affidavit are "fraud, duress, or a material mistake of fact." The Supreme Court further held that the mistake of fact must be made by the party seeking rescission and that party must prove the grounds for judicial rescission by clear and convincing evidence. Additionally, the Supreme Court rejected Gordon's cross-appeal, finding that his claims of error were either waived or without merit.